

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 67550

Frederick Tyan Sipe
Debra K. Sipe

8231 Bon Air Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 2, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1)(5), failure to cover all exposed wood, failure to replace missing soffit, failure to replace all missing siding on residential property zoned DR 5.5 known as 8231 Bon Air Road, 21234.

On November 12, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Jeff Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Frederick Sipe, Respondent and, Jeff Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on September 11, 2009 for removal of open dump/junk yard, remove trash and debris, and repair/replace missing siding, fascia and eaves on house. This Citation was issued on November 12, 2009.

B. Inspector Jeff Radcliffe testified that his initial inspection found large quantities of junk and debris in the yard of this house including pipes, screen doors, buckets, and tires. He gave Respondent an extension of time because he was making progress and removing truckloads of junk from the yard. This Citation was issued after progress stopped. Re-inspection on November 28, 2009 found no improvement and no repairs done to the house.

C. Respondent Frederick Sipe testified that he has been disabled since 2007 and just received his first disability check. He wants to fix the house and agrees the repairs are needed, but lacks funds. He will contact the Office of Community Conservation to see if assistance is available. He made so many trips to the dump that he was prevented from bringing more debris; Inspector Radcliffe has now given him a form to permit additional trips, and he will resume cleanup.

D. Respondent must repair the siding, and repair and paint the fascia along the roofline of the house, to make the house weathertight. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all “[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking.” BCC Section 35-5-302.

E. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if Respondent corrects the violations within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the exterior repairs are made by March 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10th day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.